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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,560

06/16/2006

Karin Klabunde

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08/26/2010

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

BILODEAU, DAVID

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

08/26/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,560	Applicant(s) KLABUNDE ET AL.	
	Examiner DAVID BILODEAU	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-11 and 14-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-11 and 14-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>06/16/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the Applicants' communication filed on 06/16/2006. In virtue of this communication, claims 1-7, 9-11 and 14-22 are currently pending in the instant application.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the details of the elements (i.e. 31, 15, 29 in Figure 1 etc.) as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

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pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Priority

3. Receipt is acknowledged of paper submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The information Disclosure Statement (IDS) Form PTO-1449, filed on 06/16/2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosed therein was considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-11 and 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (US 2004/0102931 A1).

Regarding **Claim 1** the limitation "A method for integration of a medical wireless apparatus into a patient network, comprising the following steps: bringing the medical apparatus into a vicinity of the patient network to which the medical apparatus is to be allocated, detecting a current local position of the medical apparatus" is met by Ellis in [Par. 0022, 0023 and 0025]. Ellis shows a wireless medical apparatus (individual network components INCs) which can be brought into patient network vicinity (mobile personal network MPN) and where the current local position of the device is located (guidance functions may include providing position and/or a global positioning system can be used).

the limitation "determining the patient network to the medical apparatus and communicating the closest patient network to the medical apparatus, after enabling, integrating the medical apparatus into the patient network" is met by Ellis in [Par. 0015, 0054 and 0069]. Ellis shows the devices can communication with each other and communicate a medical journal to a stationary device (i.e. determine a patient network)

However, Ellis does not disclose "determining the closest patient network to the medical apparatus."

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made in short range (Bluetooth) communication that the closest network will be determined and integrated with as it will have the strongest and most reliable signal [Par. 0006].

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Regarding **Claims 2, 3, 7 and 14** are rejected for the same reasons set forth above because the claims have similar limitations.

Regarding **Claim 4** the limitation "wherein for enabling an input by clinic personnel is required for enabling integration of the medical apparatus into the patient network" is met by Ellis in [Par. 0030 and 0036]. Ellis shows the system can be integrated by input of clinic personnel (controlled by healthcare professional and user changed).

Regarding **Claims 10 and 15** are rejected for the same reasons set forth above because the claims have similar limitations.

Regarding **Claim 5** the limitation "wherein a predetermined logic criteria provides for automatic enablement of the integration of the medical apparatus into the patient network" is met by Ellis in [Par. 0030 and 0062]. Ellis shows that the system can automatically detect changes in the MPN's and INC's, annotate data and communicate a medical journal to a database. Further Ellis shows Bluetooth protocol can be used and it is well known that automatic integration of Bluetooth devices is possible.

Regarding **Claim 6** the limitation "further comprising communicating information regarding which apparatuses are integrated in the patient network from an information center to the medical apparatus" is met by Ellis in [Par. 0037-0040]. Ellis shows all of

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the INC's have a unique identifier that are within the MPN and that can be communicated between them by a controlling unit (i.e. information center).

Regarding **Claim 9** the limitation "having a transceiver unit that permits communication in different networks" is met by Ellis in [Par. 0027]. Ellis shows communication can be used such as Bluetooth or 802.15 standards.

Regarding **Claim 11** the limitation "having a display and having a search function for finding medical apparatuses of a specific type or a specific medical apparatus" is met by Ellis in [Par. 0062 and 407]. Ellis shows the system can display current location and other related information and has a search function (can only communicate with other INCs which have the same MPN identifier tagged and therefore are searchable).

Regarding **Claim 16** the limitation "means for associating a patient name with the medical apparatus" is met by Ellis in [Par. 0055]. Ellis shows name and contact information can be associated and communicated between devices.

Regarding **Claim 17** the limitation "wherein the means for associating a patient name with the medical apparatus includes means for selecting the patient name from a patient name list" is met by Ellis in [Par. 0055 and 0316]. Ellis shows that the INC can manage contact information and manage a task list which can include contact information (i.e. names).

Regarding **Claim 18** the limitation "wherein the means for associating a patient name with the medical apparatus includes determining the patient name from a portable locatable unit provided to the patient" is met by Ellis in [Par. 0055]. Ellis shows that the device is portable and locatable and can send contact information from one INC to another or to a controller.

Regarding **Claim 19** the limitation "wherein the portable locatable unit is wearable" is met by Ellis in [Par. 0017]. Ellis shows the MPN's are wearable.

Regarding **Claim 20** the limitation "wherein the medical apparatus is automatically integrated into the closest patient network after a predetermined time interval commencing once the closest patient network has been located" is met by Ellis in [Par. 0293]. Ellis shows that the controller can collect data (i.e. integrate with the INC) on a regular interval (i.e. predetermined).

Regarding **Claim 21** the limitation "means for detecting other medical apparatuses located within a predetermined distance of the medical apparatus" is met by Ellis in [0027]. Ellis shows that the INCs can communicate with Bluetooth protocol and it is inherent that only devices within a predetermined distance (i.e. a personal area network) will be detected.

Regarding **Claim 22** the limitation "wherein the location of other medical apparatuses is used, at least in part, to provide the current location of the medical apparatus" is met by Ellis in [Par. 0318]. Ellis shows that a journal entry of one INC including location data can be communicated to a central station where the location information is obtained from another INC which has a position monitor such as a global positioning system monitor.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID BILODEAU whose telephone number is (571) 270-3192. The examiner can normally be reached on Monday-Thursday 7:30-6:00pm Est Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mathew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew D. Anderson/
Supervisory Patent Examiner, Art Unit 2618

/David Bilodeau/
Examiner, Art Unit 2618